

Hampshire, ss.

## **TOWN WARRANT**

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the eighth day of November, two thousand and four**, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Town Meeting Coordinating Committee: Procedures, Rules and Regulations  
(Town Meeting Coordinating Committee)

To see if the Town will approve the following Rules and Regulations for the Town Meeting Coordinating Committee, as follows:

### **Town Meeting Coordinating Committee: Rules and Regulations**

#### **Chapter 1. Elections**

(a) In General

Members of the Town Meeting Coordinating Committee shall be elected at the Annual Town Meeting, four in even-numbered years and three in odd-numbered years. Nominations to the Committee shall be made in writing and delivered to the Town Clerk, with the consent of the nominee recorded on the nomination paper. The Town Clerk shall prepare a ballot of those nominated, which ballot shall be presented to each Town Meeting Member at a subsequent session of the Annual Town Meeting to be determined by the Moderator after consultation with the Town Clerk. Each Town Meeting Member shall cast a number of votes less than or equal to the number of seats available.

(b) Elective Term of Office

Committee members' terms shall begin upon the dissolution of the Town Meeting at which they were elected and expire upon the dissolution of the Annual Town Meeting of the second year following their election. Members shall be sworn in by the Town Clerk.

(c) Termination of Membership

Membership on the Committee shall terminate when the member submits a letter of resignation to the Town Clerk or ceases to be a Town Meeting member.

(d) Vacancies on the Committee

When a position on the Committee becomes vacant for any reason other than expiration of a term, the Moderator shall appoint, from among those unelected candidates of the most recent Committee election who are still Town Meeting members and still willing to serve, the candidate who received the highest number of votes in said election, ties to be resolved by a coin toss. If no unsuccessful candidate from the most recent election meets these qualifications, the Moderator shall appoint a Committee member from

among the current Town Meeting members. Appointed Committee members shall serve the remainder of the uncompleted term.

## **Chapter 2. Committee Internal Organization and Procedures**

(a) Upon dissolution of each Annual Town Meeting, the Committee shall elect from their membership a chairperson, vice-chairperson, a clerk, and a stacker, to serve until the dissolution of the next Annual Town Meeting.

(b) The Committee may, from time to time, constitute subcommittees as it deems appropriate. Subcommittees may include Town Meeting members who are not members of the Coordinating Committee. Each subcommittee shall be chaired by a member of the Coordinating Committee and appointed by the Chair of the Coordinating Committee.

(c) The Committee shall keep minutes of its proceedings and those of its subcommittees, and shall file these minutes with the Town Clerk.

### **ARTICLE 3. Feasibility Committee (Select Board)**

To see if the town will establish a Feasibility Committee of 7 citizens of diverse backgrounds, to be appointed by the Select Board, to develop an environmentally-safe plan to locate the Department of Public Works, the town's transfer station or new athletic fields at the Old Sanitary Landfill or other locations in Amherst. Said committee shall coordinate its activities with other existing town committees and departments that may have interests and responsibilities with regard to the proposed sites and report its preliminary findings and recommendations to the 2005 Annual Town Meeting.

### **ARTICLE 4. Petition - Old Sanitary Landfill Feasibility Committee (Fetterman)**

"To see if the town will establish an Old Sanitary Landfill Feasibility Committee of 7 citizens of diverse backgrounds, to be appointed by the Select Board, to develop an environmentally-safe plan to locate the Department of Public Works, the town's transfer station and new athletic fields on certain portions of the Old Sanitary Landfill on the south side of Route 9 in East Amherst. Said committee shall coordinate its activities with other existing town committees and departments that may have interests and responsibilities with regard to the proposed site and report its preliminary findings and recommendations to the 2005 Annual Town Meeting."

### **ARTICLE 5. Proclamation - Amherst Convention on Human Rights And Duties (Human Rights Commission)**

To see if the Town will adopt the following resolution:

#### **THE AMHERST CONVENTION ON HUMAN RIGHTS AND DUTIES**

**WHEREAS** continuing disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of humanity; and

**WHEREAS** the advent of a world, where humans can live with dignity and enjoy their civil and political rights, such as freedom of thought, speech, belief, and the press; economic, social and cultural rights, such as rights to employment, food, shelter, and health care; and solidarity rights, such as rights to peace, self-determination, development, a clean environment, and a just social and international order is the highest aspiration of humanity; and

**ACKNOWLEDGING** the interdependence and indivisibility of human rights as enshrined in the United Nations Universal Declaration of Human Rights, approved in 1948 without dissent by the UN General Assembly, including the United States, and today increasingly referred to as *customary international law*;

**RECOGNIZING** the progeny of the Universal Declaration, its long train of covenants, conventions and declarations as part of international human rights law, including, but not limited to: the Convention on the Elimination of Racial Discrimination; the Convention on the Elimination of Discrimination Against Women; the Convention on the Rights of the Child; the Convention on Economic, Social, and Cultural Rights; the Convention on Civil and Political Rights; and the Convention Against Torture and others as they evolve, in accordance with principles of human dignity;

**RECOGNIZING**, therefore, the mandate to protect and enforce these rights in the promotion of human development for every person everywhere, without discrimination of any kind such as race, color, sex, language, religion, political or other opinion, nationality, social origin, birth, sexual orientation, medical conditions, disability or other status;

**INVOKING** the spirit of our time, which calls upon the peoples of the world to rededicate themselves to the global task of promoting and protecting human rights and providing opportunities for freedom to do one's duties to the world;

**EMPHASIZING**, therefore, that every right has a corresponding duty to the community and

**DETERMINED** to take new steps in a recommitment to sustained efforts to ensure cooperation and solidarity in the promotion of human rights,

**The Town Meeting in concert with the Select Board and the Human Rights Commission for the  
Town of Amherst**

**DECLARES** the Universal Declaration of Human Rights and all its progeny that have the status of treaty as *Law of the Land*;

**ACKNOWLEDGES** that human rights principles are goals to which we all aspire;

**URGES** the progressive realization of the rights embedded in international human rights documents, in accordance with town resources and the will of the people;

**REQUESTS** the federal government to move towards further compliance with Article VI of the US Constitution, referred to as the Supremacy Clause, which declares all treaties as "law of the land" and the "judges bound thereby" and offers its assistance wherever practicable;

**REQUESTS** all executive, judicial, legislative, public and private bodies globally to also abide by human rights principles as the will of the people and global resources dictate;

**ENDORSES** the development of a human rights culture, which is a lived awareness of these rights and principles, and emphasizing once again the notion of corresponding duties so that rights for every person, everywhere can be guaranteed ;

**COMMENDS** all previous efforts of private, public, municipal, state, federal, and international bodies that have moved towards compliance with fundamental human rights principles;

**URGES** such bodies to continually move toward implementation of international human rights law; and

**REACHES** out to the people of the world in a spirit of cooperation, certain that together we can create a just social and international order in the effective realization of human rights for all.

ARTICLE 6. Amendment to Station Road Lease Agreement (Conservation Commission)

To see if the Town will authorize the Conservation Commission to amend the Lease Agreement between the Town of Amherst and Mares in Charge, Ltd, dated January 31, 2000, to add to said agreement an additional parcel of land, containing 9,869 square feet, more or less, which is shown as the "Police Barn Parcel Area" on a plan of land dated November 23, 1999, and recorded in the Hampshire County Registry of Deeds in Plan Book 186, Page 126, and to take any other action necessary to carry out such amendment.

ARTICLE 7. Transfer of Funds – Unpaid Bills (Select Board)

To see if the Town will, in accordance with Massachusetts General Laws Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 8. Optional Tax Exemptions (Select Board)

A. To see if the Town will adjust the property tax exemption allowed to certain senior citizens and surviving spouses and minors under Massachusetts General Laws Chapter 59, Section 5, Clause 17D by any percentage up to the annual cost of living adjustment (COLA) determined by the Massachusetts Commissioner of Revenue.

B. To see if the Town will adjust the income and asset limits certain senior citizens may have to qualify for an exemption under Massachusetts General Laws Chapter 59, Section 5, Clause 41C by any percentage up to the annual cost of living adjustment (COLA) determined by the Massachusetts Commissioner of Revenue.

C. To see if the Town will adjust the property tax exemption allowed to certain senior citizens under Massachusetts General Laws Chapter 59, Section 5, Clause 41C from \$600 to \$1,000.

ARTICLE 9. Tax Deferral (Select Board)

To see if the Town will adjust the income and asset limits certain senior citizens may have to qualify for a tax deferral under Massachusetts General Laws Chapter 59, Section 59, Clause 41A from \$20,000 to \$40,000.

ARTICLE 10. FY 05 Operating Budget Amendment(s) (Finance Committee)

To see if the Town will amend the FY 05 Operating Budget to provide for salary adjustments for Town and Library employees and to amend the FY 05 Golf Course Fund budget.

ARTICLE 11. Special Services - Amherst Community Television/Cable Advisory Committee  
(Select Board; Cable Advisory Committee)

To see if the Town will raise and appropriate \$4,000 for Amherst Community Television or for expenses of the Cable Advisory Committee.

ARTICLE 12. Special Services – Transportation Subsidies (Select Board)

To see if the Town will endorse the following public transit measures:

A) restore afternoon/evening bus service to the Orchard Valley/West Street, Echo Hill/Gatehouse Road and Cushman/Mill Hollow areas, and restore limited bus service to the Elf Hill/Bay Road area;

B) eliminate fares on all Town-supported routes;

and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.

ARTICLE 13. Capital Program – Libraries' Information Technology (Joint Capital Planning Committee)

To see if the Town will appropriate \$50,000 for information technology upgrades for the libraries and to meet such appropriation raise \$15,000 from taxation and appropriate and transfer \$35,000 from the Stabilization Fund.

ARTICLE 14. Capital Program - Petition – Larkspur Drive (Streeter)

“To see if the Town will vote to:

- 1) discontinue Larkspur Drive for approximately 50 feet at the most northerly boundary of the residential area abutting the Professional Research Park (PRP) zone in the vicinity of residences at 54 & 59 Larkspur Drive;
- 2) request that the Select Board and Public Works Department design and construct a cul-de-sac or dead end with turn around on the north of the still existing portion of Larkspur Drive; and
- 3) appropriate \$30,000 to do the necessary work to dead end Larkspur Drive with a narrow gated access into Amherst Woods for public safety vehicles. This work would include removal of existing paving (beyond what is needed for a narrow public safety access road) on the portion of Larkspur Drive that is within the PRP, and installation of topsoil, earth berms, signs, and appropriate planting/screening vegetation, chain or gate for public safety and public works vehicles, the paving of a turnaround, and consultation with the PRP developer and abutters to rename the part of Larkspur Drive that is within the PRP.”

ARTICLE 15. Capital Program - Design Work - Atkins Corner Intersection (Joint Capital Planning Committee)

To see if the Town will appropriate \$60,000 as the Town’s share of funds for the design of intersection improvements for the Atkins Corner intersection and to meet such appropriation, raise \$10,000 from taxation, transfer \$30,000 from the Sewer Fund Surplus, and transfer \$ 20,000 from the Water Fund Surplus.

ARTICLE 16. Stabilization Fund (Finance Committee)

To see if the Town will appropriate and transfer a sum of money to the Stabilization Fund

ARTICLE 17. Community Preservation Act Committee Recommendations

(Housing Partnership/Fair Housing Committee; Community Preservation Act Committee)

To see if the Town will appropriate \$50,000 for pre-development expenses for affordable housing on Olympia Drive and to meet such appropriation transfer \$50,000 from the Community Preservation Fund.

ARTICLE 18. Capital Program - Heavy Rescue Truck (Joint Capital Planning Committee)

To see if the Town will appropriate, in addition to the \$140,000 appropriated under Article 33 of the 2003 Annual Town Meeting, \$110,000 for a Heavy Rescue Truck and to meet such appropriation transfer \$110,000 from Ambulance Receipts Reserved for Appropriation.

ARTICLE 19. Capital Program – Petition - Town Center Improvements (Bobrowski)

“To see if the Town will appropriate \$1,200,000 for Town Center roadway, sidewalk and lighting improvements and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44, Section 7(5) and other applicable laws.”

ARTICLE 20. Crosswalk on Amity Street (Library Trustees)

To see if the Town will support a crosswalk study on Amity Street connecting the Jones Library and the public parking lot, to be designed in accordance with the Town Center Streetscape Plan.

ARTICLE 21. Street Acceptance – Poet’s Corner (Oasis Development Enterprises, Inc.)

To see if the Town will accept as a town way Poet's Corner as laid out by the Select Board and shown on a plan of land filed with the Town Clerk and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

ARTICLE 22. Street Acceptances – Morrow Lane (Holstein)

To see if the Town will accept as a town way Morrow Lane as laid out by the Select Board and shown on a plan of land filed with the Town Clerk and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

ARTICLE 23. Street Acceptances – Tanglewood Road, White Pine Road, Summerfield Road  
(Amherst Village, Inc.)

To see if the Town will accept as town ways Tanglewood Road, White Pine Road and Summerfield Road as laid out by the Select Board and shown on plans of land filed with the Town Clerk and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

ARTICLE 24. Street Acceptances – Kestrel Lane, Hop Brook Road (Tofino Associates, Inc.)

To see if the Town will accept as town ways Kestrel Lane and Hop Brook Road as laid out by the Select Board and shown on plans of land filed with the Town Clerk and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

ARTICLE 25. Temporary Construction Easements - Meadow Street Bridge (Select Board)

To see if the Town will authorize the Select Board to accept temporary construction easements for the Meadow Street Bridge replacement project, no appropriation being required.

ARTICLE 26. Zoning Bylaws – Upland Acreage Numbering (Planning Board)

To see if the Town will amend Article 12, Definitions, by changing the section number assigned to "Upland Acreage" from 12.35 (a number erroneously assigned this definition under Article 33, 2004 Annual Town Meeting) to 12.36.

ARTICLE 27. Zoning Bylaws – Phased Growth Extension (Planning Board)

To see if the Town will amend Section 14.2, Phased Growth Rate, of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

14.20 This Article shall take effect beginning on the date of adoption by Town Meeting, ***and shall continue in effect for five calendar years from November 8, 2004, a subsequent date of amendment, in order to provide the Town time to prepare and implement a master plan in accordance with MGL Ch. 41, Section 81D.*** Beginning on ~~this~~ ***the*** date of adoption, the permit authority (Planning Board, Zoning Board or Building Commissioner) shall not approve any development schedule under Section 14.5 which would result in authorizations for more than 250 dwelling units over a 730 consecutive day (two year) period. All authorizations shall count toward this planned rate unless otherwise noted.

ARTICLE 28. Capital Program – Master Plan (Comprehensive Planning Committee, Joint Capital Planning Committee)

To see if the Town will raise and appropriate \$20,000 to develop a public participation process, a comprehensive Scope of Services, a Request for Proposals, and cost estimates for the completion of a Master Plan as required under Massachusetts General Laws 41, Section 81D.

ARTICLE 29. Zoning Bylaws – Open Space Community Development Preliminary Approval  
(Planning Board)

To see if the Town will amend Section 4.58 of the Zoning Bylaw, by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and renumbering the affected sections, as follows:

4.58 Review and Approval Process

4.580 The ***permit granting board for a Preliminary Open Space Community Development (OSCD) Plan, and the*** Special Permit Granting Authority for an ***Final*** Open Space Community Development (OSCD) ***Plan*** shall be the Planning Board, in accordance with the provisions of Section 10.3, the purposes, standards and requirements of Section 4.5, and such other requirements of this bylaw as may be applicable.

4.581 ***Preliminary OSCD Plan Approval***

***4.5810 Prior to submitting a Special Permit application under this section for approval of a Final OSCD Plan, an applicant shall submit a Preliminary OSCD Plan for the review and approval of the Planning Board. The review procedure for a Preliminary OSCD Plan, including transmittals, notice, and public hearing, shall be conducted in accordance with the procedures required for Special Permits or Site Plan Review, as described in Section 11.23. The participation of prospective owners or occupants of future dwelling units is encouraged at this stage, but is not required.***

***4.5811 A Preliminary OSCD Plan shall include, at a minimum, an accurate surveyed site plan and all appropriate site information regarding site conditions, topography, proposed utilities, roadways, buildings, proposed improvements and such other information as may be required by the Rules and Regulations of the Special Permit Granting Authority.***

***4.5812 Approval of a Preliminary OSCD Plan does not constitute approval of any subsequent Final OSCD Plan, but is intended to facilitate the procedure of application for and development of a Final OSCD Plan meeting the intent of the Zoning Bylaw.***

4.582 ***Final OSCD Plan Approval***

***4.5820*** At the time of application for a Special Permit ***for approval of a Final OSCD Plan*** under this section, a minimum of thirty percent (30%) of the total dwelling units in an OSCD shall be under agreement for conveyance to parties who will occupy said dwelling units. At the time of occupancy of the first unit, and thereafter, a majority of the total dwelling units in an OSCD shall be owner-occupied, as defined under Article 12. Said requirement shall be enforced through covenants in homeowners or condominium association agreements, or similar documents, the review and approval of which documents shall be a condition of permit approval. The express intent of these provisions is to encourage the early and continuing involvement of residents in the design, development and management of an OSCD. These requirements shall be ongoing and shall be made a condition of the Special Permit.

4.583 Subsequent approval of such portion(s) of an ***Final*** OSCD ***Plan*** as constitute a subdivision shall be required as set forth in the Subdivision Control Law, including approval of the streets and utility system. A favorable action which may be made by the Planning Board on a Special Permit application shall not, therefore, be deemed either to constitute subdivision approval under the Subdivision Control Law or the Rules and Regulations Governing the Subdivision of Land, nor to imply that subdivision approval will be granted.

4.584 Each application for a ***Preliminary or a Final*** Open Space Community Development (OSCD) ***Plan*** containing land within the Flood-Prone Conservancy (FPC) District shall be accompanied by an additional set of plans and documents for transmittal to the Conservation Commission. Within ten (10) days of receipt of the application, the Planning Board shall transmit a copy thereof to the Conservation Commission. The Commission shall, at its discretion, investigate the proposed development and report in writing its recommendations to the Planning Board within 35 days of the date of application. The Planning Board shall not take final action on approval of the application until it has received a written report from the Conservation Commission or until the 35 day period has passed without receipt of such a report.

#### ARTICLE 30. Zoning Bylaws – Professional and Research Park (PRP) Office Uses (Planning Board)

To see if the Town will amend Section 3.359 of the Use Chart (Section 3.3) of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

3.359 ***Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services to clients in person on the premises predominantly by appointment, or, administrative business office or similar*** ~~Business or professional office not providing services to the~~ ***general*** public in person on the premises.

R-0

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

N N SP N N SPR SPR SPR SPR SPR SPR SPR N  
(SP)

#### Standards & Conditions

***For the purposes of this section, the general public shall be defined as including all persons acting as customers or clients not receiving services by appointment. Exceptions shall be affiliated professionals or consultants conducting business with the office use, salespersons and service contractors (delivery, maintenance, etc.).***

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for an ***technical or professional office for professional or office uses not dealing directly with that provides services by appointment to clients in person on the premises predominantly by appointment, or, for an administrative business office or similar office that does not provide services to the general public in person on the premises.*** The Zoning Board of Appeals may grant a Special Permit providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.



2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use consisting of one dwelling unit.
3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.
4. Employs no more than 5 persons who work on-site.
5. Where located in an existing building, the residential character of the structure and site shall be maintained.

ARTICLE 31. Petition – Zoning Map - Northampton Road/South Univ. Drive - PRP to R-N  
(Wziontka )

To see if the Town will amend the Official Zoning Map by rezoning Map 13D, Parcels 19 and 57 from Professional Research Park (PRP) to Limited Business (B-L)

ARTICLE 32. Petition – Zoning Map – University Drive/Snell Street - PRP to R-N (Citizens for Responsible Planning)

“To see if the town will vote amend the official Zoning Map by rezoning Map 13D Parcels 19, 21, 22, 57, 76, 77, 78, and 80 and Map 16B Parcel 3 from Professional Research Park (PRP) to Neighborhood Residence (R-N).”

ARTICLE 33. Restrictive Covenant Acceptance - North Pleasant/McClellan St. (Planning Board)

To see if the Town will authorize the Select Board to accept a restrictive covenant in relation to the rezoning of the property at 284 North Pleasant Street (Map 11C/Parcel 174).

ARTICLE 34. Petition – Zoning Map – North Pleasant Street (Ewert)

To see if the Town will amend the Official Zoning Map to change the zoning for the property at 284 North Pleasant Street (Map 11C/Parcel 174) from General Residence (R-G) to Limited Business (B-L).

---

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this twelfth day of October 2004.

Anne S. Awad  
Robey Hubley  
Gerald S. Weiss  
Eva Schiffer  
Carl W. Seppala  
Select Board

---

October 13, 2004

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Sgt. William Menard  
Constable, Town of Amherst